

November 1, 2002

NOTE TO: File

FROM: Andrew J. Kugler, Sr. Environmental Project Manager **/RA/**
Environmental Section
Licence Renewal and Environmental Impacts Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

SUBJECT: DOCKETING OF EMAILS ASSOCIATED WITH THE STAFF'S BIOLOGICAL
ASSESSMENT CONCERNING EAGLES UNDER LICENSE RENEWAL FOR
SURRY POWER STATION, UNITS 1 AND 2 (TAC NOS. MB1992 AND MB1993)

The staff used information derived from the following emails while developing its biological assessment of the effects of license renewal for Surry Power Station, Units 1 and 2, on bald eagles:

1. September 9, 2002, email from T. Banks (Virginia Electric and Power Company or VEPCo) regarding the location of active bald eagle nests and eagle concentration areas in the vicinity of Surry Power Station and its transmission line corridors.
2. September 27, 2002, email from T. Banks (VEPCo) regarding the location of active bald eagle nests in the vicinity of Surry Power Station and its transmission line corridors.
3. October 18, 2002, email from T. Banks (VEPCo) regarding Surry Power Station transmission line right-of-way maintenance practices.
4. October 25, 2002, email from B. Watts, Center for Conservation Biology, College of William and Mary, regarding locations of bald eagle nests.

These emails are being docketed to ensure the public has access to them.

Docket Nos. 50-280 and 50-281

Attachments: As stated

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DISTRIBUTION:

Environmental R/F

AKugler

CBrandt (email charles.brandt@pnl.gov)

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ACCESSION NO.: **ML023050100**

*See previous concurrence

FILENAME: C:\ORPCheckout\FileNET\ML023050100.wpd

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|--------|-----------|
| OFFICE | PM:RLEP |
| NAME | AKugler* |
| DATE | 11/01 /02 |

OFFICIAL RECORD COPY

From: <Tony_Banks@dom.com>
To: <bxz@nrc.gov>, <ajk1@nrc.gov>, <mtm2@nrc.gov>
Date: 9/9/02 9:10AM
Subject: Re: Followup on Consultation

Barry,

I received your e-mail of 09/05/02, spoke with Mike Masnik on 09/06/02, and left a follow-on message on his voice-mail.

Below are our responses to the bald eagle questions you sent a week ago (also below). I'm not sure if you have contacted Va DGIF's Tom Wilcox yet, but my impression is although there are aeriels available from annual flyovers they would prefer not to publish a mapping of nest locations. If you need something more on that let me know. Regarding the Surry screen mesh size, the message was that, according to the Intake Structure Supervisor Mike Mitchell, the measurements are indeed 3/8" x 1/2" rectangular stainless steel¹.

We have also conversed again with the agencies that are familiar with both of these issues, Va DGIF and Va DEQ, respectively.

Let me know if there is anything else I can do to assist in the process.

Thank you.

Tony Banks
804/273-2170

1. The VDGIF and USFWS in concert with the Center for Conservation Biology at the College of William and Mary perform a number of Bald Eagle surveys in the Commonwealth each year . One of these surveys includes both a mapping of eagle nest sites and a census of rearing success for each nest. These reports should have locations of nest sites for the entire state including the area around Surry Power Station. It is our understanding that the results of the surveys are reported to the VDGIF and the FWS including nest locations,etc.

According to DGIF and Center of Conservation Biology correspondence as of May 7, 2002 (ie following the annual March flyover), there are 3 active bald eagle nests within ~2.5 miles of the site.

The farthest nest is located on the transmission line ~2.5 miles (4000+ meters) south of the plant. This nest was relocated from a point on the same transmission line that was previously ~0.5 mile closer to the plant. The report we have is unclear as to whether the abandoned nest is still standing.

The next closest nest is located on the refuge ~1 mile (1600+ meters) northeast of the plant.

A new nest was reported this year ~0.25 mile west of the plant. The marked up topo we were sent shows it somewhere beyond the firing range. We have yet to ground truth and document

¹ Mr. Banks later corrected the mesh size to 3/16" by 1/2".

1) [While the following could be represented in map form, we are concerned about the disclosure of bald eagle nesting sites.] What Surry site areas fall in close proximity to the bald eagle nest sites (both active and abandoned). This should be characterized as on-site, the site boundaries that may be within 500 m of a nest, and the transmission lines (associated with license renewal) that may be within 500 m of a nest.

2) Where are roosting areas (tree stands) used by bald eagles within the site area boundaries?
[This should be provided in map form.]

3) What are the VEPCo procedures for surveying power lines to determine the presence of nesting birds, particularly eagles, on the towers or trees associated with the right-of-way, and the VEPCo procedures for dealing with such nests.

4) What are the VEPCo procedures for documenting bird electrocutions and collisions with power lines and towers, and what is the inventory of dead large birds that have been found within the rights-of-way during the past decade for those lines associated with license renewal.

If you believe that it is necessary, we can follow this up with a letter. In any case, this e-mail will become part of the record.

CC: <Julius_Wroniewicz@dom.com>, <Michael_Henig@dom.com>,
<Paul_Aitken@dom.com>, <Tom_Snow@dom.com>, <Judson_White@dom.com>,
<Bill_Bolin@dom.com>, <Glenn_Bishop@dom.com>

From: <Tony_Banks@dom.com>
To: <james.becker@pnl.gov>, <charles.brandt@pnl.gov>, <tara.eschbach@pnl.gov>, <ajk1@nrc.gov>, <mtm2@nrc.gov>
Date: 9/27/02 2:00PM
Subject: Surry Bald Eagle Nest Search

----- Forwarded by Tony Banks/NUC/VANCPower on 09/27/02 12:55 PM -----

Glenn Bishop

09/26/02 09:52 AM

To: Tony Banks/NUC/VANCPower@VANCPower

cc: Bill Bolin/LR/FH/VANCPower@VANCPower, Mike
Holland/NUC/VANCPower@VANCPower, Russell
Savage/NUC/VANCPower@VANCPower

Subject: Surry Bald Eagle Nest Search

The VDGIF and USFWS in concert with the Center for Conservation Biology at William and Mary perform a number of bald eagle surveys in the Commonwealth each year. A new nest was observed and reported this year during VDGIF's annual flyover, tentatively identified as being located ~0.25 west of the Surry Power Station on land behind the site security firing range.

Glenn Bishop of Dominion's Environmental Policy & Compliance Dept met with Jeff Cooper and Brian Moyer (both with VDGIF) on 9/25/02 at Surry in an attempt to confirm and ground truth the reported nest location. They searched for several hours but could not find the nest. Both group's GPS units, independently programmed based on the topographic map nest coordinates, led them to the same area where the search was concentrated. They concurred that the reported nest location was probably incorrect but agreed to try and observe the nest's location at another time. It is their thought that the nest is located further south and west of the plant and not on Company property.

It was noted that the range is visually shielded from the surrounding area by high safety berms and dense woods to the west, south and east (the discharge canal abuts the range on the north end). It was that the obvious existence and practices at the firing range represented ambient, and apparently non-disturbing conditions during the period required to establish the new nest. Security discussed that personnel had often observed the birds perching in nearby trees during active range training sessions.

It was requested and received from VDGIF that Surry security personnel could continue their current range practices. A follow-up effort for observation was discussed and would be coordinated at a later time.

Tony Banks, Glenn Bishop

CC: <Glenn_Bishop@dom.com>, <Bill_Bolin@dom.com>, <Julius_Wroniewicz@dom.com>, <Michael_Henig@dom.com>, <Paul_Aitken@dom.com>, <Tom_Snow@dom.com>, <pattersonk@ttnus.com>

ATTACHMENT 2

From: <Tony_Banks@dom.com>
To: <ajk1@nrc.gov>
Date: 10/18/02 11:51AM
Subject: phone conversations regarding eagles

Andy,

While you were in Hanford reviewing comments for our Final SEISs, on 9/30/02 and 10/01/02 I had phone conversations with Jim Becker of PNNL regarding the biological assessment he was writing for Surry. Specifically, we discussed the company and state agency walkdown at Surry to "ground-truth" an eagle's nest sited from a Va DGIF (Dept of Game & Inland Fisheries) annual flyover which took place in Feb/Mar of this year.

We also teleconferenced with Brian Watts of Va DGIF to discuss other nest sites along transmission corridors and proximities to Right-of-Ways, relative to Virginia Bald Eagle Protection Guidelines. A follow-up conversation was held after I confirmed with our company biologists that ROW maintenance procedures, practices and/or schedules are sensitive to not causing disturbance to T&E species and plant habitats.

Let me know if you have any additional questions regarding this issue.

Tony Banks
804/273-2170

From: Bryan Watts
Sent: Friday, October 25, 2002 12:17 PM
To: Becker, James M
Cc: Brandt, Charles A
Subject: Re: Confirmation needed of the content of our telephone conversations concerning the bald eagle for NRC's docketing/making available to the public the bald eagle Biological Assessment for the relicensing of Surry Power Station

In looking at our flight maps it appears that 4 of the nests along the Hog Island boundary were on the SPS side 3 of which are likely still standing. These nests have been abandoned for many years and so no longer have any evidence of a nest remaining.

Bryan

Becker, James M wrote:

Brian,

Thanks very much for your reply.

I will use the word "several" instead of 8.

I will note not all the abandoned nest trees have been lost to windthrow, and that those remaining are along the Hog Island boundary.

One final question:

My statement in the below e-mail that "The history of nest abandonment ON THE SPS SITE was also discussed,...." -- Since the abandoned nest trees that remain (i.e., have not been toppled by wind) are all along the Hog Island boundary and not on the SPS site, were any of the abandoned nest trees ever on the SPS site? Or were these simply in the vicinity of the SPS site?

Thanks,

Jim

-----Original Message-----

From: Bryan Watts
Sent: Tuesday, October 22, 2002 10:33 AM
To: Becker, James M
Subject: Re: Confirmation needed of the content of our telephone conversations concerning the bald eagle for NRC's docketing/making available to the public the bald eagle Biological Assessment for the relicensing of Surry Power Station

Jim:

Sorry for the slow response. I have been down in NC meeting with FWS about research results.

Most of what you state is accurate. I don't think that I mentioned that there had been 8 nest sites around the facility over the years. I would have to look back and confirm that this is the

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case. Regardless of the number, all have not been lost to windthrow. There are still some old nest trees standing in the area that have not been used for a long time. I can't think of any that are adjacent to the property but there are a couple along the boundary of Hog Island.

The rest of what you state is accurate.

Dr. Bryan D. Watts, Director
Center for Conservation Biology
College of William and Mary
Williamsburg, VA 23187-8795
(757) 221-2247

Becker, James M wrote:

Brian,

Sorry to bother you again.

The Nuclear Regulatory Commission (NRC) is in the process of docketing/making available to the public the bald eagle Biological Assessment (BA) I wrote for the relicensing of Surry Power Station (SPS). To this end, the NRC requires affirmation of the accuracy of the personal communications referred to in the BA.

In the BA, I referenced two telephone conversations I had with you. The relevant portions of these conversations are provided below. Please confirm that these are either correct or incorrect in a reply to this e-mail. If I appear to have an incorrect or incomplete recollection of these conversations, please make such changes when replying to this e-mail.

Thanks again very much,

Jim Becker

September 11, 2002 phone conversation

You confirmed that The Center for Conservation Biology at the College of William and Mary in Williamsburg, Virginia, in collaboration with the U.S. Fish and Wildlife Service and the Virginia Department of Game and Inland Fisheries, annually tracks locations of bald eagle nests throughout the Commonwealth. We discussed the 3 active nests in the vicinity of the SPS site, one south (near the transmission line to the Septa substation), one northeast (in the Hog Island Wildlife Management Area), and one west (newly constructed this year) of the site. The history of nest abandonment on the SPS site was also discussed, i.e., you mentioned that there have been at least 8 abandoned nests that have now been abandoned for at least 3 consecutive nesting seasons, and that since abandonment these nest trees have been toppled by wind.

September 30, 2002 phone conversation

There is one active nest in the vicinity of the SPS transmission line corridors, adjacent to the south side of the James River near Hopewell.